



# CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Other Various Cases being Handled by Outside Counsel (\$199,915.09), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$5,559.70)

**MEETING DATE:** June 7, 2005

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside counsel/Consultants related to the Environmental Abatement Litigation and various cases being handled by Outside Counsel in the total amount of \$199,915.09 and approve Special Allocation for General Litigation Matter Expenses in the amount of \$5,559.70 to be paid from the General Fund.

**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard, and JAMS that were incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$5,559.70). Deductions are reflected in parenthesis.

## Folger Levin & Kahn - Invoices Distribution

| Matter No. | Invoice No. | Date     | Description                            | Total Amount | Distribution |             |
|------------|-------------|----------|--|--------------|--------------|-------------|
|            |             |          |  |              | 171399.7323  | 183453.7323 |
| 2002       | 87350       | 03/31/05 | City of Lodi v Lehman                  | 2,302.10     | 1,151.05     | 1,151.05    |
| 2003       | 87354       | 03/31/05 | Farr Associates v City of Lodi         | 761.50       | 380.75       | 380.75      |
| 2005       | 87353       | 03/31/05 | Environmental Forensic v City of Lodi  | 6,486.59     | 3,243.30     | 3,243.30    |
| 2006       | 87351       | 03/31/05 | Magellan Env v City of Lodi            | 926.80       | 463.40       | 463.40      |
| 8001       | 87347       | 03/31/05 | General Advice-Environ Matters         | 2,265.93     | 1,132.97     | 1,132.97    |
| 8002       | 87375       | 03/31/05 | People v M&P Investments               | 112,073.76   | 56,036.88    | 56,036.88   |
|            |             |          |  | (5,003.00)   | (2,501.50)   | (2,501.50)  |
| 8003       | 87352       | 03/31/05 | Hartford Insurance Coverage Litigation | 13,998.96    | 6,999.48     | 6,999.48    |
| 8004       | 87349       | 03/31/05 | People v. Randtron                     | 1,863.50     | 931.75       | 931.75      |
| 8006       | 87348       | 03/31/05 | Fireman's Fund/Unigard Appeal          | 12,255.98    | 6,127.99     | 6,127.99    |
| 8007       | 87313       | 03/31/05 | Regulatory Agency Orders               | 1,125.70     | 562.85       | 562.85      |
| 8008       | 87314       | 03/31/05 | Envision Law Group                     | 40,998.90    | 20,499.45    | 20,499.45   |
|            |             |          |  | (235.00)     | (117.50)     | (117.50)    |
|            |             |          |  | 189,821.72   | 94,910.86    | 94,910.86   |

APPROVED:

Blair King, City Manager

**Kronick Moskowitz Tiedemann & Girard - Invoices Distribution**

| Invoice No. | Date     | Description                      | Total<br>Amount | Distribution |             |             |
|-------------|----------|----------------------------------|-----------------|--------------|-------------|-------------|
|             |          |                                  |                 | 100351.7323  | 171399.7323 | 183453.7323 |
| 220031      | 04/25/05 | On-Site Litigation Support       | 1375            |              | 687.5       | 687.5       |
| 220032      | 04/25/05 | General advice                   | 1,297.68        | 1,297.68     |             |             |
| 220032      | 04/25/05 | Rogers v SJC                     | 252.49          | 252.49       | -           | -           |
| 220032      | 04/25/05 | Phelps v City of Lodi            | 662.57          | 662.57       | -           | -           |
| 220032      | 04/25/05 | Sphere of Influence-WhiteSlough  | 437.39          |              | 218.69      | 218.70      |
| 220032      | 04/25/05 | City of Lodi v City of Stockton  | 440.02          |              | 220.01      | 220.01      |
| 220032      | 04/25/05 | Stockton Family Farmers Coal.    | 38.86           |              | 19.43       | 19.43       |
| 220032      | 04/25/05 | City of Stockton v. City of Lodi | 19.00           | -            | 9.50        | 9.50        |
| 220032      | 04/25/05 | Lodi First v. City of Lodi       | 1,248.96        | 1,248.96     |             |             |
| 220032      | 04/25/05 | Citizens for Open Govt.v.Col     | 2,098.00        | 2,098.00     |             |             |
|             |          |                                  | 7,869.97        | 5,559.70     | 1,155.13    | 1,155.14    |

\*Requires Special Allocation for payment from General Fund (\$5,559.70).

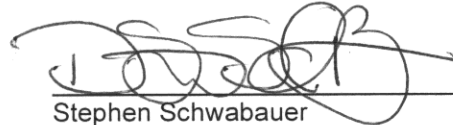
**JAMS**

| Invoice No.    | Date    | Description  | Total<br>Amount   | Distribution |             |
|----------------|---------|--|-------------------|--------------|-------------|
|                |         |  |                   | 171399.7323  | 183453.7323 |
| 0000989807-100 | 04/2005 | Mediation Services<br>Environmental Forensics v.<br>City of Lodi | \$ 275.00         | \$ 137.50    | \$ 137.50   |
| 0000991228-110 | 04/2005 | Mediation Services<br>M & P Investments                          | \$ 1,948.40       | \$ 974.20    | \$ 974.20   |
|                |         |  | <b>\$2,223.40</b> |              |             |

**FISCAL IMPACT:** Costs in the amount of \$5,559.70 will be paid out of the General Fund since it is legal representation related to miscellaneous City matters being handled by outside counsel.

**FUNDING AVAILABLE:**

|              |              |
|--------------|--------------|
| Water        | \$ 97,177.69 |
| Wastewater   | \$ 97,177.70 |
| General Fund | \$ 5,559.70  |

  
 Stephen Schwabauer  
 City Attorney

Approved:

  
 Jim Krueger, Finance Director